



2023/0404(COD)

6.2.2024

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
Proposal for a regulation of the European Parliament and of the Council
establishing an EU talent pool
(COM(2023)0716 – C9-0413/2023 – 2023/0404(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Abir Al-Sahlani

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council
Proposal for a regulation of the European Parliament and of the Council establishing an
EU talent pool
(COM(2023)0716 – C9-0413/2023 – 2023/0404(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0716),
 - having regard to Article 294(2) and Article 79(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0413/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of ...¹,
 - having regard to the opinion of the Committee of the Regions of ...²,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9 0000/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

Amendment

(1) The Union and individual Member States are facing shortages in a wide range

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¹ Not yet published in the Official Journal.

² Not yet published in the Official Journal.

of sectors and occupations, including in those relevant for the green and digital transitions. Extensive shortages in construction, healthcare, hospitality, transport, information and communications technology and in science technology, engineering and mathematics, are long-standing and have been exacerbated by the COVID-19 pandemic and the acceleration of the green and digital transitions. Labour shortages are expected to persist and potentially aggravate in the light of demographic challenges.

of sectors and occupations, including in those relevant for the green and digital transitions. ***It is evident that all levels of skills are needed in order to solve the labour shortage.*** Extensive shortages in construction, healthcare, hospitality, transport, information and communications technology and in science technology, engineering and mathematics, are long-standing and have been exacerbated by the COVID-19 pandemic and the acceleration of the green and digital transitions. Labour shortages are ***also*** expected to persist and potentially aggravate in the light of demographic challenges. ***Furthermore, climate change affects migration patterns and drives push factors. As migration is a natural phenomenon that will always exist, a common European approach to labour migration is necessary to ensure more legal pathways to our continent. The attractiveness and openness of the Union will determine the extent to which the Union is able to compete globally for talent, whilst promoting and upholding international labour standards.***

Or. en

Amendment 2

Proposal for a regulation Recital 2

Text proposed by the Commission

(2) Addressing labour shortages requires a comprehensive approach at Union and national level which includes, as a priority, better realising the full potential of groups with lower labour market participation, reskilling and upskilling the existing workforce, facilitating intra-EU labour mobility, as well as improving working conditions and the attractiveness of certain occupations. Due to the current scale of the labour market shortages and

Amendment

(2) Addressing labour shortages requires a comprehensive approach at Union and national level which includes, as a priority, better realising the full potential of groups with lower labour market participation, reskilling and upskilling the existing workforce, facilitating intra-EU labour mobility, as well as improving working conditions and the attractiveness of certain occupations. ***However***, due to the current scale of the labour market

the demographic trends, measures targeting the domestic and Union workforce alone **are likely to** be insufficient to address existing and future labour and skills shortages. Therefore, legal migration is key to complement those actions and must be part of the solution to fully support the twin transition.

shortages and the demographic trends, measures targeting the domestic and Union workforce alone **will** be insufficient to address existing and future labour and skills shortages. **The European Commission estimates that due to the foreseen decline in working age population, at least 7 million more people will be needed in Europe by 2030^{3a}.** Therefore, legal migration is key to complement those actions and must be part of the solution to fully support the twin transition **and ensure the continued quality of welfare systems and economic growth.**

^{3a} **European Commission, Directorate-General for Employment, Social Affairs and Inclusion, ‘Employment and social developments in Europe 2023’, Publications Office of the European Union, 2023, <https://data.europa.eu/doi/10.2767/089698>**

Or. en

Amendment 3

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) In order to facilitate international recruitment and provide opportunities for third-country nationals to work in EU-wide shortage occupations, an EU Talent Pool should be established in the form of a Union-wide platform **that brings** together and **supports** the matching of profiles of registered jobseekers from third countries residing outside the Union and job vacancies of employers established in the **participating** Member States.

Amendment

(3) In order to facilitate international recruitment and provide opportunities for third-country nationals to work in EU-wide shortage occupations, **it is crucial to ensure a welcoming environment and openness to labour migrants as a complementary and mutually beneficial addition to the domestic workforce. This entails offering to prospective labour migrants a complete package in terms of post-arrival services such as integration support, skills development, infrastructure, family reunification,**

childcare and healthcare, as well as genuine efforts from Member States to counter xenophobic sentiments. This also involves fostering fair recruitment practices in line with the International Labour Organisation's (ILO) 'General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs' (ILO General Principles and Operational Guidelines on Fair Recruitment). As part of this package to facilitate international matching, promote fair recruitment practices and strengthen protection of migrant workers, an EU Talent Pool should be established in the form of a Union-wide platform. Its implementation will be mandatory for Member States but its use will be voluntary for employers and third country nationals. The platform can help bring together and support the matching of profiles of registered jobseekers from third countries residing outside the Union and job vacancies of employers established in the Member States.

Or. en

Amendment 4

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) The Recommendation of the Commission on legal pathways to protection in the EU⁴ encourages Member States to put in place and support complementary labour pathways for those in need of international protection⁵. The EU Talent Pool *could also* support the operationalisation of the complementary pathways.

Amendment

(4) The Recommendation of the Commission on legal pathways to protection in the EU⁴ encourages Member States to put in place and support complementary labour pathways for those in need of international protection⁵. ***Similar recommendations have also been adopted by the European Parliament.^{4a}*** The EU Talent Pool ***will*** support the operationalisation of the complementary pathways ***and legal labour migration. By***

aligning with the ILO General Principles and Operational Guidelines on Fair Recruitment, the EU Talent Pool also contributes to achieving the Sustainable Development Goals (SDGs), in particular SDG 8 to promote inclusive and sustainable economic growth, employment and decent work for all, and SDG 10 to reduce inequalities within and among countries. This is particularly important as labour migrants face a more precarious situation than EU citizens in the European labour market. Special attention should be paid to the situation of female migrant workers who might be more vulnerable in the labour market compared to their male peers. Enhanced information and support services accessible through the EU Talent Pool can thus help upholding safeguards against discrimination of migrant workers in Europe. Simultaneously, the EU Talent Pool is an essential and concrete part of the realization of the European Year of Skills, from which the fourth pillar is about attracting people from outside the EU with the skills needed.

⁴ Commission Recommendation (EU) 2020/1364 of 23 September 2020 on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways.

⁴ Commission Recommendation (EU) 2020/1364 of 23 September 2020 on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways.

^{4a} *European Parliament resolution of 20 May 2021 on new avenues for legal labour migration (P9_TA(2021)0260); European Parliament resolution of 25 November 2021 with recommendations to the Commission on legal migration policy and law (P9_TA(2021)0472).*

⁵ “Complementary pathways” are safe and regulated avenues for persons in need of international protection that complement resettlement by providing lawful stay in a third country where their international protection needs are met. Complementary

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labour pathways enable persons in need of international protection to access existing labour migration pathways, utilise their skills, and help address labour shortages in the receiving countries. See also: <https://www.unhcr.org/complementary-pathways.html>.

labour pathways enable persons in need of international protection to access existing labour migration pathways, utilise their skills, and help address labour shortages in the receiving countries. See also: <https://www.unhcr.org/complementary-pathways.html>.

Or. en

Amendment 5

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) The EU Talent Pool should aim at supporting *participating* Member States to address existing and future skills and labour shortages via the recruitment of third country nationals to the extent the activation of the domestic workforce and intra-EU mobility are not sufficient to achieve this objective. ***As a voluntary tool to facilitate international recruitment, the EU Talent Pool should offer additional support at Union level to interested Member States.*** To this end, complementarity and interoperability with existing national initiatives and platforms ***should*** be ensured. Member States' specific needs should be taken into account in the development of the EU Talent Pool in order to ensure the ***widest participation*** possible. Hence, 'Talent' is an encompassing term referring to the entire range of skills that might be needed by the Member States' labour markets.

Amendment

(5) ***Since labour shortage is a Union-wide problem, it would benefit from a strategic and unified approach. To make use of economies of scale and enable the sharing of best practices, the EU Talent Pool should be implemented by all Member States. EU-wide implementation will also contribute to more predictability and legal certainty for both jobseekers and employers.*** The EU Talent Pool should aim at supporting Member States to address existing and future skills and labour shortages via the recruitment of third country nationals to the extent the activation of the domestic workforce and intra-EU mobility are not sufficient to achieve this objective. To this end, complementarity and interoperability with existing national initiatives and platforms ***will*** be ensured, ***while not replacing existing national structures.*** Member States' specific needs should be taken into account in the development of the EU Talent Pool in order to ensure the ***most successful implementation possible by, for example, not affecting Member States' competence to determine volumes of admission of third country nationals coming to work.*** Hence, 'Talent' is an encompassing term referring to the entire

range of skills that might be needed by the Member States' labour markets. *Since a concentrated focus on highly skilled persons risks aggravating the labour shortage, by ignoring the actual needs of the Union and the different Member States, the EU Talent Pool is open for all levels of skills. At the same time, skills shortages in third countries should also be taken into account when defining the occupations for facilitating international recruitment so as not to aggravate brain drain in critical sectors.*

Or. en

Amendment 6

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) The EU Talent Pool aims at providing services to employers that are established in the **participating** Member States, including private employment agencies, temporary work agencies and labour market intermediaries as defined by the International Labour Organisation Convention **181 from** 1997.

Amendment

(6) The EU Talent Pool aims at providing **free of charge** services to employers that are established in the Member States, **through Public Employment Services and private labour market intermediaries**, including private employment agencies, temporary work agencies and labour market intermediaries as defined by the International Labour Organisation **Private Employment Agencies** Convention 1997 (No 181) as well as **EU Directive 2008/104/EC^{5a}**. **Employers who wish to register on the EU Talent Pool to post their vacancies must adhere to the ILO General Principles and Operational Guidelines on Fair Recruitment. Jobseekers should not be charged directly or indirectly, in whole or in part, any fees or related costs for their recruitment. Notwithstanding their use of the EU Talent Pool, employers should continue their contributions to upskilling and reskilling the domestic workforce.**

^{5a} Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9–14, ELI: <http://data.europa.eu/eli/dir/2008/104/oj>).

Or. en

Amendment 7

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) The EU Talent Pool should *also* support the implementation of Talent Partnerships, which are one of the key aspects of the external dimension of the Pact on Migration and Asylum⁶ and are operationalised in line with the Commission’s Communication on attracting skills and talent to the EU⁷. ***The participation of a Member State in the Talent Partnership should be without prejudice to their decision on the participation in the EU Talent Pool.***

⁶ COM/2020/609 final.

⁷ COM/2022/657 final.

Amendment

(7) ***Strong partnerships with third countries can contribute to effective development cooperation, in line with the principle of Policy Coherence for Development, and facilitate the creation of mutual trust and gains for third countries, the EU, and its Member States.*** The EU Talent Pool should support the implementation of Talent Partnerships, which are one of the key aspects of the external dimension of the Pact on Migration and Asylum⁶ and are operationalised in line with the Commission’s Communication on attracting skills and talent to the EU⁷. ***To be successful and sustainable, Talent Partnerships should always support skills development in third countries, and encourage circular migration to avoid brain drain from countries of origin.*** The EU Talent Pool ***should also build on the objectives and provisions regarding the Union’s constructive engagement on mobility and all aspects of migration laid out in the NDICI-GE Regulation.^{7a}***

⁶ COM/2020/609 final.

⁷ COM/2022/657 final.

^{7a} Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe (OJ L 209, 14.6.2021, p. 1–78, ELI: <http://data.europa.eu/eli/reg/2021/947/oj>).

Or. en

Amendment 8

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) In order to ensure that Member States' authorities are adequately represented in the EU Talent Pool Steering Group, **participating** Member States should appoint two representatives each, one from the employment authorities and one from the immigration authorities.

Amendment

(8) In order to ensure that **all** Member States' authorities are adequately represented in the EU Talent Pool Steering Group, Member States should appoint two representatives each, one from the employment authorities and one from the immigration authorities. ***It is important to acknowledge and promote the synergies between employment and immigration authorities to improve the functioning of the EU Talent Pool and avoid overburdening national administrations. It should also be noted that social partners possess important knowledge and insights in the European labour market development. Therefore, representatives of the cross-industry social partners organisations at Union level, from the employers and trade unions respectively, should have the right to appoint three representatives each to participate in the work of the Steering Group. In addition, experts from Union agencies, international organisations and other stakeholders working with third country nationals may also be invited to attend the meetings of the Steering Group to provide input. Such stakeholders can include, but are not limited to, the European Labour***

Authority (ELA), the Centre for the Development of Vocational Training (CEDEFOP), the European Training Foundation (ETF), the International Labour Organisation (ILO), the International Organisation for Migration (IOM) as well as local and regional authorities from the Member States.

Or. en

Amendment 9

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Synergies should be ensured, where appropriate, between the EU Talent Pool IT platform and other relevant instruments and services at Union level, including with regard to access to training materials such as the EU Academy and the Interoperable Europe Academy. The EU Talent Pool IT platform should be quickly and regularly adapted to new practices in technology and provide state-of-the-art IT services by introducing innovative features and tools.

Amendment

(10) Synergies should be ensured, where appropriate, between the EU Talent Pool IT platform and other relevant instruments and services at Union level, including with regard to access to training materials such as the EU Academy and the Interoperable Europe Academy. The EU Talent Pool IT platform should be quickly and regularly adapted to new practices in technology and provide state-of-the-art IT services by introducing innovative features and tools. ***Synergies and improved interoperability will facilitate the use of the platform for employers, especially SMEs. The platform should also be easily accessible for persons with disabilities in accordance with Directive (EU) 2016/2102^{7b} and Directive (EU) 2019/882^{7c}.***

^{7b} ***Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1–15, ELI: <http://data.europa.eu/eli/dir/2016/2102/oj>)***

^{7c} **Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70–115, ELI: <http://data.europa.eu/eli/dir/2019/882/oj>).**

Or. en

Amendment 10

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The format of jobseekers' profiles and job vacancies should be established using the existing European classification of occupations, skills, competencies and qualifications (ESCO) as foreseen in Regulation (EU) 2016/589⁸ which provides for a standardised terminology for occupations, skills and competences and facilitates the transparency of skills and qualifications. The ESCO classification should support jobseekers from third countries, employers, and the EU Talent Pool National Contact Points in providing comparable information on work experiences, occupations covered by a vacancy, as well as the skills offered by the jobseekers and required by the employers, thereby enabling a high-quality matching process. Where applicable, the EU Talent Pool National Contact Points should use the ESCO format for the transfer of job vacancies to the EU Talent Pool IT platform. Member States not adopting the ESCO classification for national job vacancies, should produce mapping tables comparing the classification used in the national systems and the ESCO classification to allow interoperability. The mapping tables should be made available to the Commission and should be used for automatic transcoding of information on

Amendment

(11) The format of jobseekers' profiles and job vacancies should be established using the existing European classification of occupations, skills, competencies and qualifications (ESCO) as foreseen in Regulation (EU) 2016/589⁸ which provides for a standardised terminology for occupations, skills and competences and facilitates the transparency of skills and qualifications. The ESCO classification should support jobseekers from third countries, employers, and the EU Talent Pool National Contact Points in providing comparable information on work experiences, occupations covered by a vacancy, as well as the skills offered by the jobseekers and required by the employers, thereby enabling a high-quality matching process. ***In line with Commission Recommendation C(2023) 7700, a 'Skills First' approach should be applied in the matching process whereby all types of qualifications and skills are taken into account, such as vocational education and training, degrees, certification of skills and competences gained in non-formal and informal contexts or specific certificates ('micro-credentials')^{8a}.*** Where applicable, the EU Talent Pool National Contact Points should use the ESCO format for the transfer of job vacancies to

job vacancies or jobseekers' profiles for the purpose of automated matching through the common IT platform.

the EU Talent Pool IT platform. Member States not adopting the ESCO classification for national job vacancies, should produce mapping tables comparing the classification used in the national systems and the ESCO classification to allow interoperability. The mapping tables should be made available to the Commission and should be used for automatic transcoding of information on job vacancies or jobseekers' profiles for the purpose of automated matching through the common IT platform.

⁸ Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (OJ L 107, 22.4.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/589/oj>).

⁸ Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (OJ L 107, 22.4.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/589/oj>).

^{8a} ***Commission Recommendation on the recognition of qualifications of third-country nationals (C/2023/7700 final).***

Or. en

Amendment 11

Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) To ensure appropriate handling of personal data in the context of the EU Talent Pool, the European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725^{8b} and delivered an opinion on 9 January 2024.

^{8b} Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39–98, ELI:<http://data.europa.eu/eli/reg/2018/1725/oj>).

Or. en

Amendment 12

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) Registered jobseekers from third countries should have the right to choose from a number of technical options to restrict the access to their personal data, for instance, by restricting access to their contact details. Profiles of registered jobseekers from third countries and employers participating in the EU Talent Pool IT platform that have not been used for a period of **two years** should be automatically removed. When profiles are removed, a limited set of anonymised data could continue to be stored for research and statistical purposes including for the purpose of production and quality of European statistics.

Amendment

(14) ***Registering a profile as well as searching and posting vacancies respectively should be free of charge for both jobseekers and employers.*** Registered jobseekers from third countries should have the right to choose from a number of technical options to restrict the access to their personal data, for instance, by restricting access to their contact details. Profiles of registered jobseekers from third countries and employers participating in the EU Talent Pool IT platform that have not been used for a period of **one year** should be automatically removed ***in order to enhance safeguards for the protection of personal data and avoiding making the IT system too rigid.*** When profiles are removed, a limited set of anonymised data could continue to be stored for research and statistical purposes including for the purpose of production and quality of European statistics. ***The information on how to apply these options should be made available in a clear, comprehensive, user-friendly manner and accessible***

formats for persons with disabilities respecting the relevant accessibility requirements as established in Directive 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies as well as the accessibility requirements for services set in Annex I to Directive (EU) 2019/882.

Or. en

Amendment 13

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) The EU Talent Pool should contribute to the objective of discouraging irregular migration including by facilitating access to existing legal pathways. Jobseekers from third countries who are subject to a judicial or administrative decision refusing the entry or stay in a Member State or an entry ban in accordance with Directive 2008/115/EC of the European Parliament and of the Council¹¹, should not be allowed to register their profiles in the EU Talent Pool IT platform, given that they will not be permitted to enter and stay in the Union. To this end, jobseekers from third countries should be required, **before** registering their profiles in the EU Talent Pool, to declare that they are not currently subject to a refusal of entry or stay in a Member State or an entry ban to the territory of the Union. Information should also be provided on the consequences for making a false declaration in this respect.

Amendment

(16) The EU Talent Pool should contribute to the objective of discouraging irregular migration including by facilitating access to existing legal pathways. Jobseekers from third countries who are subject to a judicial or administrative decision refusing the entry or stay in a Member State or an entry ban in accordance with Directive 2008/115/EC of the European Parliament and of the Council¹¹, should not be allowed to register their profiles in the EU Talent Pool IT platform, given that they will not be permitted to enter and stay in the Union **for the time being**. To this end, jobseekers from third countries should be required, **when** registering their profiles in the EU Talent Pool, to declare that they are not currently subject to a refusal of entry or stay in a Member State or an entry ban to the territory of the Union. Information should also be provided on the consequences for making a false declaration in this respect. **As soon as a jobseeker and an employer have matched, the relevant National Contact Point may, on request and for the purpose of verification of the accuracy of the above declaration by the jobseeker, be given**

information from the Schengen Information System. In case of the jobseeker being subject to a judicial or administrative decision refusing the entry or stay in a Member State or an entry ban in accordance with Directive 2008/115/EC, the National Contact Point should communicate this to the EU Talent Pool Secretariat, which in turn should remove the profile from the EU Talent Pool IT platform. However, in accordance with the principle of proportionality, the jobseeker should be able to lodge a new request after the expiration of the judicial or administrative decision or the entry ban. Notwithstanding this possibility, persons convicted for offences constituting or involving threat to the national security of a Member State should never be able register as jobseekers in the EU Talent Pool. With these offences are meant essentially those seeking to seriously intimidate a population, unduly compel a government to perform or abstain from performing any act or to seriously destabilise or destroy the fundamental political, constitutional, economic or social structures of a Member State, such as (high) treason or terrorist offences in the meaning of Directive (EU) 2017/541^{11a}.

¹¹ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98, ELI: <http://data.europa.eu/eli/dir/2008/115/oj>).

¹¹ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98, ELI: <http://data.europa.eu/eli/dir/2008/115/oj>).

^{11a} **Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6–21, ELI: <http://data.europa.eu/eli/dir/2017/541/oj>).**

Amendment 14**Proposal for a regulation
Recital 16 a (new)***Text proposed by the Commission**Amendment*

(16a) In accordance with the principle of proportionality and in order to foster fair recruitment, an employer's participation in the EU Talent Pool IT platform should also be subject to certain conditions. Upon registration, employers should be required to provide their contact details, including their company registration number, and a criminal record check or police information check of the natural person(s) in charge of the company. Employers should also be required by the National Contact Point to participate in an information session regarding fair recruitment and international labour standards. After completion of this session, the employer should be offered the possibility to take part in additional information sessions and workshops on fair recruitment organized by the National Contact Point. The employer should be able to post on their profile the completion of additional workshops in this regard, as a means to demonstrate towards potential employees their commitment to fair recruitment and decent working conditions. The completion of additional workshops on fair recruitment should also help the employer gain more visibility on the EU Talent Pool IT platform through the automated matching system. Before admitting their profile into the system, National Contact Points should perform a screening process of the employer based on all available information.

Amendment 15

Proposal for a regulation Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) In the case of an employer's breach of the relevant law and practice referred to in Article 13(3) which is notified to the EU Talent Pool National Contact Points by the relevant national authorities responsible for enforcing the relevant law and practice in accordance with Article 13(6) of this Regulation, the employer's access to the EU Talent Pool should be suspended and their vacancies should be removed. The suspension should be revoked without delay once the relevant national authorities have notified the EU Talent Pool National Contact Points, or the employer concerned has demonstrated, that the breach of the relevant law and practice pursuant to Article 13(3) has been remedied. In cases of breaches of the Directive 2009/52/EC of the European Parliament and of the Council or the (EU) .../... [Antitrafficking Directive 2022/0426(COD)], the employer should be suspended from the EU Talent Pool indefinitely.

Or. en

Amendment 16

Proposal for a regulation Recital 17

Text proposed by the Commission

Amendment

(17) Jobseekers from third countries wishing to register in the EU Talent Pool should create a profile using the Europass¹² profile builder functionality enabling to

(17) Jobseekers from third countries wishing to register in the EU Talent Pool should ***be able to*** create a profile using the Europass¹² profile builder functionality

create a free profile and report the relevant skills, qualifications, and other experiences in one secure online location.

enabling to create a free profile and report the relevant skills, qualifications, and other experiences in one secure online location.

The EU Talent Pool should improve access to information on eligibility and selection criteria, which in turn should be transparent, non-discriminatory and defined in a broad way to allow for the admissibility of jobseekers with all skill levels. The automated matching system of the Talent Pool should have inbuilt safeguards against discrimination or biases. The EU Talent Pool Secretariat should cooperate with stakeholders such as business organisations and organisations working with third-country nationals to raise awareness and enhance the understanding of Europass and its functions.

¹² Decision (EU) 2018/646 of the European Parliament and of the Council of 18 April 2018 on a common framework for the provision of better services for skills and qualifications (OJ L 112, 2.5.2018, p. 42, ELI: <http://data.europa.eu/eli/dec/2018/646/oj>).

¹² Decision (EU) 2018/646 of the European Parliament and of the Council of 18 April 2018 on a common framework for the provision of better services for skills and qualifications (OJ L 112, 2.5.2018, p. 42, ELI: <http://data.europa.eu/eli/dec/2018/646/oj>).

Or. en

Amendment 17

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) Where necessary, the recognition of qualifications and validation of skills of registered jobseekers from third countries should be conducted in the ***participating*** Member States upon request of the jobseeker or the employer in accordance with the national law and practices, ***and*** with any relevant international agreements, including Mutual Recognition

Amendment

(18) ***For the purpose of promoting the free movement of workers and to speed up recognition procedures, the number of regulated professions remaining in only a few Member States needs to decrease. It is also important to apply a ‘Skills First’ approach when recruiting, taking into account a persons’ full set of abilities, competences and qualifications in***

Arrangements for professional qualifications. Personalised assistance and online information on existing recognition and validation procedures at national level should be **available in the EU Talent Pool IT platform and it should be** provided by the EU Talent Pool National Contact Points.

accordance with Commission Recommendation C(2023) 7700. This is especially important when it comes to international recruitment, as data shows that third country nationals are more likely than Union citizens to be overqualified for their job^{12a}. Nonetheless, where necessary, the recognition of qualifications and validation of skills **from formal, non-formal, and informal learning, and qualifications such as vocational education, degrees or specific certificates ('micro-credentials')** of registered jobseekers from third countries should be conducted in the Member States upon request of the jobseeker or the employer in accordance with the national law and practices. **It should be in line** with any relevant international agreements, including Mutual Recognition Arrangements for professional qualifications. Personalised assistance and online information on existing recognition and validation procedures at national level should be provided by the EU Talent Pool National Contact Points **and made available in the EU Talent Pool IT platform in a clear, comprehensive, user-friendly manner and accessible formats for persons with disabilities respecting the relevant accessibility requirements as established in Directive 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies as well as the relevant accessibility requirements for services set in Annex I to Directive (EU) 2019/882.**

Or. en

Amendment 18

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) The list of third countries and Member States participating in Talent Partnerships should be published on the EU Talent Pool IT platform together with the relevant occupations targeted by each partnership.

Amendment

(20) The list of third countries and Member States participating in Talent Partnerships should be published on the EU Talent Pool IT platform together with the relevant occupations targeted by each partnership. ***Talent Partnerships should always adhere to fair recruitment standards and promote circular migration in order to avoid brain drain.***

Or. en

Amendment 19

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) In the context of a Talent Partnership, skills development and validation may be targeted to the job market of one or more participating Member States. Member States may contribute, also financially, to developing and implementing the support to skills development and validation offered in the context of a Talent Partnership. Therefore, if so decided by the Member States participating in the Talent Partnership, only employers established in one or more Member States participating in a Talent Partnership should be able, for a maximum period of ***one year***, to search for registered jobseekers holding an ‘EU Talent Partnership pass’. This possibility could, in particular, apply in cases where skills development was specifically targeted to the needs of a Member State. Information on whether this possibility is applied and in which cases should be provided on the EU Talent Pool IT platform, in order to inform registered jobseekers from third countries and employers participating in the EU

Amendment

(21) In the context of a Talent Partnership, skills development and validation may be targeted to the job market of one or more participating Member States. Member States may contribute, also financially, to developing and implementing the support to skills development and validation offered in the context of a Talent Partnership. Therefore, if so decided by the Member States participating in the Talent Partnership, only employers established in one or more Member States participating in a Talent Partnership should be able, for a maximum period of ***six months***, to search for registered jobseekers holding an ‘EU Talent Partnership pass’. This possibility could, in particular, apply in cases where skills development was specifically targeted to the needs of a Member State. Information on whether this possibility is applied and in which cases should be provided on the EU Talent Pool IT platform, in order to inform registered jobseekers from third countries and

Talent Pool. All employers participating in the EU Talent Pool may search the profiles of registered jobseekers holding an ‘EU Talent Partnership pass’ after this period of time has elapsed. Jobseekers from third countries who received support under a Talent Partnership should always have the possibility to register in the EU Talent Pool as any other third country national, without having to declare the existence of an ‘EU Talent Partnership pass’ and so be able to apply for jobs in other Member States.

employers participating in the EU Talent Pool. All employers participating in the EU Talent Pool may search the profiles of registered jobseekers holding an ‘EU Talent Partnership pass’ after this period of time has elapsed. Jobseekers from third countries who received support under a Talent Partnership should always have the possibility to register in the EU Talent Pool as any other third country national, without having to declare the existence of an ‘EU Talent Partnership pass’ and so be able to apply for jobs in other Member States.

Or. en

Amendment 20

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) The ***International Labour Organisation (ILO) in its ‘General principles and operational guidelines for fair recruitment’*** sets out a number of standards on adequate protection of jobseekers from third countries against unfair recruitment. Employers should comply with applicable Union law and practice. Equal treatment of jobseekers from third countries with respect to nationals of the ***participating*** Member States should also be ensured by the employers in accordance with Directive 2011/98¹³, Directive 2014/36/EU¹⁴, Directive 2021/1883/EU¹⁵, and Directive 2016/801/EU¹⁶. In accordance with Directive 2019/1152/EU¹⁷, employers participating in the EU Talent Pool should provide to registered jobseekers from third countries information in ***writing*** and in an understandable language on their rights and obligations resulting from the employment relationship ***at the start of*** the employment. This information should at least include the

Amendment

(23) The ***ILO has set*** out a number of standards on adequate protection of jobseekers from third countries against unfair recruitment, ***including the principle that workers should not be charged directly or indirectly, in whole or in part, any fees or related costs for their recruitment.*** Employers ***wishing to register on the EU Talent Pool*** should ***declare that they adhere to and uphold the ILO General Principles and Operational Guidelines on Fair Recruitment, in particular the prohibition of recruitment fees and related costs to be paid from jobseekers or workers. In addition, employers must*** comply with applicable Union law and practice. Equal treatment of jobseekers from third countries with respect to nationals of the Member States should also be ensured by the employers in accordance with Directive 2011/98¹³, Directive 2014/36/EU¹⁴, Directive 2021/1883/EU¹⁵, and Directive 2016/801/EU¹⁶. In accordance with

place and the type of work, the duration of employment, the remuneration, the working hours, the amount of any paid leave and, where applicable other relevant working conditions. **An employer should neither charge any recruitment fee nor prohibit a worker from taking up employment with other employers, outside the work schedule established with that employer, nor subject a worker to adverse treatment for doing so.** Employers participating in the EU Talent Pool **should** comply with Directive 96/71/EC¹⁸ as amended by Directive 2018/957 when posting workers in the framework of the provision of services, in particular with regard to the terms and conditions of employment thereby established such as the obligation that third country workers can only be posted to a Member State if they are legally and habitually employed in another Member State.

Directive 2019/1152/EU¹⁷, employers participating in the EU Talent Pool should provide to registered jobseekers from third countries information in **an accessible way for the jobseeker** and in an understandable language on their rights and obligations resulting from the employment relationship, **in a reasonable time before the employment contract starts.** This information should at least include the place and the type of work, the duration of employment, the remuneration (**including any additional allowances**), **lawful deductions**, the working hours, the amount of any paid leave and, where applicable other relevant working conditions. **Relevant information, including the principle that no recruitment fees or related costs will be charged from the jobseeker, should also be provided in the vacancy post to improve transparency and predictability for the jobseeker.** **An employer must not** prohibit a worker from taking up employment with other employers, outside the work schedule established with that employer, nor subject a worker to adverse treatment for doing so. Employers participating in the EU Talent Pool **must** comply with Directive 96/71/EC¹⁸ as amended by Directive 2018/957 when posting workers in the framework of the provision of services, in particular with regard to the terms and conditions of employment thereby established such as the obligation that third country workers can only be posted to a Member State if they are legally and habitually employed in another Member State. **Pro-active monitoring of employers' compliance should be assured by the National Contact Points in coordination with social partners according to national law or practice.**

¹³ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-

¹³ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-

country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ L 343, 23.12.2011, p. 1–9, ELI: <http://data.europa.eu/eli/dir/2011/98/oj>).

¹⁴ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers OJ L 94, 28.3.2014, p. 375, ELI: <http://data.europa.eu/eli/dir/2014/36/oj>).

¹⁵ Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC, OJ L 382, 28.10.2021, p. 1, ELI: <http://data.europa.eu/eli/dir/2021/1883/oj>).

¹⁶ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast) (OJ L 132, 21.5.2016, p. 21, ELI: <http://data.europa.eu/eli/dir/2016/801/oj>).

¹⁷ Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186, 11.7.2019, p. 105, ELI: <http://data.europa.eu/eli/dir/2019/1152/oj>).

¹⁸ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1, ELI: <http://data.europa.eu/eli/dir/1996/71/oj>).

country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ L 343, 23.12.2011, p. 1–9, ELI: <http://data.europa.eu/eli/dir/2011/98/oj>).

¹⁴ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers OJ L 94, 28.3.2014, p. 375, ELI: <http://data.europa.eu/eli/dir/2014/36/oj>).

¹⁵ Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC, OJ L 382, 28.10.2021, p. 1, ELI: <http://data.europa.eu/eli/dir/2021/1883/oj>).

¹⁶ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast) (OJ L 132, 21.5.2016, p. 21, ELI: <http://data.europa.eu/eli/dir/2016/801/oj>).

¹⁷ Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186, 11.7.2019, p. 105, ELI: <http://data.europa.eu/eli/dir/2019/1152/oj>).

¹⁸ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1, ELI: <http://data.europa.eu/eli/dir/1996/71/oj>).

Or. en

Amendment 21

Proposal for a regulation Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) Labour migrants with disabilities are often prone to precarious situations in the labour market.^{18a} It is important to raise awareness of the situation of labour migrants with disabilities, and ensure the protection of their legal rights as stated in the UN Convention on the Rights of Persons with Disabilities (UNCRPD), namely the right to work and non-discrimination. Employers should aim for diversity when recruiting third country nationals, including persons with disabilities. It is also crucial to ensure accessibility of the EU Talent Pool IT platform and thus, the services offered must comply with accessibility standards namely those established in Directive 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies as well as the relevant accessibility requirements for services set in Annex I to Directive (EU) 2019/882.

18a

https://www.un.org/development/desa/disabilities/refugees_migrants_with_disabilities.html

Or. en

Amendment 22

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) In order to ensure high quality matching, registered jobseekers from third countries and employers participating in the EU Talent Pool should access a list of suggested registered jobseekers' profiles and job vacancies based on the relevance of their skills, qualifications and work experiences for the job vacancy. The list is generated by the automated matching tool of the EU Talent Pool IT platform.

Amendment

(24) In order to ensure high quality matching, registered jobseekers from third countries and employers participating in the EU Talent Pool should access a list of suggested registered jobseekers' profiles and job vacancies based on the relevance of their skills, qualifications and work experiences for the job vacancy. The list is generated by the automated matching tool of the EU Talent Pool IT platform. ***The jobseeker should have the possibility to indicate in which region or Member State they are interested in working.***

Or. en

Amendment 23

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) ***Participating Member States*** should make information concerning the EU Talent Pool and its functioning easily accessible ***to jobseekers from third countries and employers, in particular with regard to information on the competent authorities in the participating Member States.*** Such information should include the conditions and procedures for the participation in the EU Talent Pool.

Amendment

(26) ***In order to promote fair recruitment and strengthen transparency towards third country nationals who are prospective jobseekers in the EU as well as European employers who wish to recruit from abroad, the Talent Pool Secretariat, with the support of the National Contact Points,*** should make information concerning the EU Talent Pool and its functioning easily accessible on the ***IT platform, including for persons with disabilities.*** Such information should include the conditions and procedures for the participation in the EU Talent Pool. ***It should also provide information on, or a link to, each Member States' recruitment procedures including recognition of qualifications and validation of skills, immigration procedures, third country nationals' rights, living and working conditions as well as available redress***

mechanisms for cases of labour exploitation. The grievance mechanism should be easily available, affordable and gender-responsive, for example by providing women counsellors and staff in the remediation and access to justice procedures. It should also ensure protection against retaliation towards the jobseeker, for example by enabling anonymous complaints. It should be made clear through the information provided how the jobseeker could proceed in the case of abuse or exploitation by the employer. The National Contact Points are responsible for keeping this information up-to-date. The information should be provided in cooperation with social partners, organisations working with third country nationals as well as local and regional authorities and relevant contact details in this regards should be easily accessible through the EU Talent Pool.

Or. en

Amendment 24

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) *The EU Talent Pool Secretariat should ensure that **easily accessible** information **on immigration** procedures, recognition of qualifications and **validation of skills**, third country nationals' **rights, living and working conditions as well as available redress mechanisms for cases of labour exploitation and unfair recruitment practices in the participating Member States is available on the EU Talent Pool IT platform. The EU Talent Pool National Contact Points should provide the relevant information with the EU Talent Pool Secretariat in order to***

Amendment

(27) *After the matching of a jobseeker and employer, the relevant National Contact Point should ensure that **the jobseeker receives additional** information **in an accessible format, including for persons with disabilities. This information should entail complementary support for the procedures for obtaining visa and residence permit for work purposes in the Member State in question, specific guidance on family reunification procedures and third-country nationals' rights and obligations including access to social benefits, health assistance,***

allow its publication on the EU Talent Pool IT platform. Online information on support available to jobseekers in need of international protection who are in third countries should also be available on the EU Talent Pool IT platform. Support measures put in place by the Member States could include specific information campaigns, support to obtain a travel document, and integration support upon arrival.

education, housing, recognition of qualifications and the available grievance mechanism. It should also include information to facilitate third-country nationals' integration in the host Member State such as language courses, vocational training and education as well as other integration measures, and where available, the contact details of organisations which offer post-recruitment assistance for third country nationals such as bridging programs.

Or. en

Amendment 25

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) Information provided on the EU Talent Pool IT platform should be made available at least in the official languages of *the participating* Member States.

Amendment

(28) Information provided on the EU Talent Pool IT platform should be made available at least in the official languages of *all* Member States *in a clear, comprehensive, user-friendly manner and accessible formats for persons with disabilities respecting the relevant accessibility requirements as established in Directive 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies as well as the relevant accessibility requirements for services set in Annex I to Directive (EU) 2019/882.*

Or. en

Amendment 26

Proposal for a regulation Recital 29

Text proposed by the Commission

(29) The Delegations of the European Union should **support** the provision of information to jobseekers from third countries on the EU Talent Pool and its functioning, **as well as the participating Member States**.

Amendment

(29) The Delegations of the European Union should, **in cooperation with the Member States, play an active role in supporting** the provision of information to jobseekers from third countries on the EU Talent Pool and its functioning. **This includes, for example, providing information in the official languages of third countries participating in Talent Partnerships**.

Or. en

Amendment 27

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) Upon request from registered jobseekers from third countries and employers participating in the EU Talent Pool, the EU Talent Pool National Contact Points could provide additional support. Additional support should include tailored information on relevant visas and residence permits for work purposes in the participating Member State including with regard to third country nationals' rights and obligations such as access to social benefits, health assistance, education, and housing. Specific guidance and information may also be provided on family reunification procedures and family members' rights, and existing measures to facilitate integration in the host Member State such as language courses and vocational training. Such information should also include available redress mechanisms for cases of labour exploitation and unfair recruitment practices in the participating Member States. The EU Talent Pool

Amendment

deleted

National Contact Points should provide information to employers participating in the EU Talent Pool on their rights and obligations relating to social security, active labour market measures, taxation, issues relating to work contracts, pension entitlements and health insurance.

Or. en

Amendment 28

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) To achieve the objective of this Regulation, the effective implementation of the EU legal migration acquis should be ensured. In addition, to make the recruitment of jobseekers from third countries residing outside the Union easier and faster for employers, *participating* Member States *may* put in place accelerated immigration procedures in particular as regards the obtention of visas and residence permits for work purposes and the exemption from the principle of preference for Union citizens. The implementation of accelerated immigration procedures could be discussed in the context of the EU Talent Pool Steering Group, notably in view of supporting the exchange of best practices among Member States.

Amendment

(31) To achieve the objective of this Regulation, the effective implementation of the EU legal migration acquis should be ensured. In addition, to make the recruitment of jobseekers from third countries residing outside the Union easier and faster for employers *and to provide a functional link with the national list of shortage occupations listed in the Annex*, Member States *should* put in place accelerated immigration procedures in particular as regards the obtention of visas and residence permits for work purposes and the exemption from the principle of preference for Union citizens *for the shortage occupations identified at national level as well as for registered jobseekers from third countries having obtained an ‘EU Talent Partnership pass’ in a partnership in which the Member State has participated. Member States may also decide to put in place accelerated immigration procedures for recruitment to occupations not listed in the shortage occupations list*. The implementation of accelerated immigration procedures could be discussed in the context of the EU Talent Pool Steering Group, notably in view of supporting the exchange of best practices among Member

States. *It is also crucial that the EU Talent Pool Steering Group, with the support of the EU Talent Pool Secretariat, conducts labour market forecasts and skills intelligence, for example through the Labour Migration Platform.*

Or. en

Amendment 29

Proposal for a regulation Recital 33

Text proposed by the Commission

(33) In order to fulfil the objectives of this Regulation of facilitating international recruitment, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend this Regulation with regard to the Annex providing the list of EU-wide shortages occupations. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹⁹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment

(33) In order to fulfil the objectives of this Regulation of facilitating international recruitment, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend this Regulation with regard to the Annex providing the list of EU-wide shortages occupations. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹⁹. ***The Commission should consult with social partners, especially at sectoral level, as well as interest representatives from organisations working for third country nationals and organisations working for persons with disabilities.*** In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

¹⁹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj).

¹⁹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj).

Or. en

Amendment 30

Proposal for a regulation Recital 37

Text proposed by the Commission

(37) **Participating** Member States **should** implement this Regulation in full compliance with all EU Charter of Fundamental Rights obligations and in particular without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic features, languages, religious or belief, political or any other opinions, membership of a national minority, property, birth, disability, age or sexual orientation. The respect of fair and just working conditions and the protection of young people at work **should** be ensured.

Amendment

(37) Member States **must** implement this Regulation in full compliance with all EU Charter of Fundamental Rights obligations and in particular without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic features, languages, religious or belief, political or any other opinions, membership of a national minority, property, birth, disability, age or sexual orientation. The respect of fair and just working conditions and the protection of young people at work **as well as gender equality must** be ensured.

Or. en

Amendment 31

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes an EU Talent Pool available to all Member States to facilitate recruitment of jobseekers from

Amendment

1. This Regulation establishes an EU Talent Pool available to all Member States **in order** to facilitate recruitment of

third countries residing outside the Union.

jobseekers *of all qualification levels* from third countries residing outside the Union *and promote fair recruitment as set out in the ILO General Principles and Operational Guidelines on Fair Recruitment.*^{20a}

^{20a} *International Labour Organisation, General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs. See https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_703485.pdf*

Or. en

Amendment 32

Proposal for a regulation

Article 1 – paragraph 2 – point b

Text proposed by the Commission

(b) the functioning of the EU Talent Pool IT platform and related support services;

Amendment

(b) the functioning of the EU Talent Pool IT platform and related support services *such as accessibility requirements and provision of information*;

Or. en

Amendment 33

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

1. This Regulation applies to jobseekers from third countries residing outside the Union and employers established in the *participating* Member

Amendment

1. This Regulation applies to jobseekers *of all qualification levels* from third countries residing outside the Union and employers established in the Member

States.

States.

Or. en

Amendment 34

Proposal for a regulation Article 3

Text proposed by the Commission

Amendment

Article 3

deleted

Participation

1. Any Member State may decide, at any time, to participate in the EU Talent Pool. It shall notify its decision to the Commission at the latest 9 months before the date from which it intends to participate. From the first day of participation, job vacancies of employers established in that Member State may be transferred to the EU Talent Pool IT platform.

2. Information on participating Member States shall be made publicly available on the EU Talent Pool IT platform.

Or. en

Amendment 35

Proposal for a regulation Article 4 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

(1) ‘participating Member States’ means Member States participating in the EU Talent Pool;

deleted

Or. en

Amendment 36

Proposal for a regulation

Article 4 – paragraph 1 – point 2

Text proposed by the Commission

(2) ‘jobseeker from a third country’ means a person residing outside the Union who is not a citizen of the Union within the meaning of Article 20(1) TFEU and is seeking employment in the Union;

Amendment

(2) ‘jobseeker from a third country’ means a person ***of legal age under national law*** residing outside the Union who is not a citizen of the Union within the meaning of Article 20(1) TFEU and is seeking employment in the Union;

Or. en

Amendment 37

Proposal for a regulation

Article 4 – paragraph 1 – point 2 a (new)

Text proposed by the Commission

Amendment

(2a) Third country nationals who have been selected for a job vacancy in the EU Talent Pool shall also benefit from the rights laid down in Article 17, 18 and 19 of this Regulation.

Or. en

Amendment 38

Proposal for a regulation

Article 4 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

(5) ‘single coordinated channel’ means the IT service that is set up for the transmission of job vacancies from the ***participating*** Member States to the EU Talent Pool IT platform according to a uniform system and using the necessary technical infrastructure.

(5) ‘single coordinated channel’ means the IT service that is set up for the transmission of job vacancies from the Member States to the EU Talent Pool IT platform according to a uniform system and using the necessary technical infrastructure.

Amendment 39

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

1. The EU Talent Pool IT platform for facilitating recruitment of jobseekers from third countries is established.

Amendment

1. The EU Talent Pool IT platform for facilitating recruitment of jobseekers from third countries is established. ***The information on the platform shall be available in all EU languages and fulfil the accessibility requirements in accordance with Directive 2016/2102 and Annex I to Directive (EU) 2019/882.***

Or. en

Amendment 40

Proposal for a regulation Article 5 – paragraph 2 – point a

Text proposed by the Commission

(a) the single coordinated channel enabling ***participating*** Member States to transfer job vacancies to the EU Talent Pool database;

Amendment

(a) the single coordinated channel enabling Member States to transfer job vacancies, ***including apprenticeships and traineeships***, to the EU Talent Pool database;

Or. en

Amendment 41

Proposal for a regulation Article 5 – paragraph 2 – point b

Text proposed by the Commission

(b) the technical infrastructure enabling the EU Talent Pool database to receive the

Amendment

(b) the technical infrastructure enabling the EU Talent Pool database to receive the

job vacancies from the *participating* Member States;

job vacancies from the Member States;

Or. en

Amendment 42

Proposal for a regulation

Article 5 – paragraph 2 – point f

Text proposed by the Commission

(f) the secure communication channel to enable registered jobseekers and employers participating in the EU Talent Pool to communicate within the EU Talent Pool IT platform.

Amendment

(f) the secure communication channel to enable registered jobseekers and employers participating in the EU Talent Pool to communicate within the EU Talent Pool IT platform, ***including the possibility of conducting skills tests and interviews directly on the platform;***

Or. en

Amendment 43

Proposal for a regulation

Article 5 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(f a) access to public information on the functioning of the EU Talent Pool and information on Member States' procedures regarding recruitment, recognition of skills and screening procedures, immigration procedures, rights of third country nationals, redress mechanisms and information on living and working conditions in the Member States;

Or. en

Amendment 44

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

4. **Participating** Member States and the EU Talent Pool Secretariat referred to in Article 8 shall ensure technical interoperability between national systems and the EU Talent Pool IT platform. The EU Talent Pool Secretariat shall ensure the interface with other relevant instruments and services offered at Union level, where appropriate.

Amendment

4. Member States and the EU Talent Pool Secretariat referred to in Article 8 shall ensure technical interoperability between national systems and the EU Talent Pool IT platform. The EU Talent Pool Secretariat shall ensure the interface with other relevant instruments and services offered at Union level, where appropriate.

Or. en

Amendment 45

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

3. Profiles of registered jobseekers from third countries shall include the name, surname, contact details, date of birth and nationality, information on academic and professional qualifications, work experience, other skills and language knowledge. Job vacancies of employers participating in the EU Talent Pool shall include ***the name, surname and contact details***.

Amendment

3. Profiles of registered jobseekers from third countries shall include the name, surname, contact details, date of birth and nationality, information on academic and professional qualifications, work experience, other skills and language knowledge. ***Profiles of employers registered in the platform shall include the name, surname, contact details, company registration number, sector of activity and a brief description of the employer's operations.*** Job vacancies of employers participating in the EU Talent Pool shall include ***information on the place and the type of work, working hours as well as the duration of employment and other relevant working conditions, including the applicable remuneration practices.***

Or. en

Amendment 46

Proposal for a regulation Article 6 – paragraph 6

Text proposed by the Commission

6. Profiles of registered jobseekers from third countries that have not been accessed for a period of **two years** from the registration of their profiles shall be removed or anonymised and no personal data shall be stored. Once profiles are removed, a limited set of anonymised data could continue to be stored for research and statistical purposes as well as to extract data to improve the functioning of the EU Talent Pool.

Amendment

6. Profiles of registered jobseekers from third countries that have not been accessed for a period of **one year** from the registration of their profiles shall be removed or anonymised and no personal data shall be stored. Once profiles are removed, a limited set of anonymised data could continue to be stored for research and statistical purposes as well as to extract data to improve the functioning of the EU Talent Pool.

Or. en

Amendment 47

Proposal for a regulation Article 6 – paragraph 8

Text proposed by the Commission

8. The data of registered jobseekers from third countries shall be accessible only to employers participating in the EU Talent Pool, and to the EU Talent Pool National Contact Points. The data of employers participating in the EU Talent Pool shall be accessible to registered jobseekers from third countries, and to the EU Talent Pool National Contact Points.

Amendment

8. The data of registered jobseekers from third countries shall be accessible only to employers participating in the EU Talent Pool, and to the EU Talent Pool National Contact Points. The data of employers participating in the EU Talent Pool shall be accessible to registered jobseekers from third countries, and to the EU Talent Pool National Contact Points.
Data processing for the purposes of searching and matching should not require processing any personal data referred to in Article 9 of Regulation (EU) 2016/679 and Article 10 of Regulation (EU) 2018/1725.

Or. en

Amendment 48

Proposal for a regulation

Article 8 – paragraph 2 – point a

Text proposed by the Commission

(a) ensuring the overall management of the EU Talent Pool, including the planning and coordination of the activities of the EU Talent Pool;

Amendment

(a) ensuring the overall management of the EU Talent Pool, including the planning and coordination of the activities of the EU Talent Pool ***such as awareness raising campaigns and stakeholder involvement in the committee procedure referred to in Article 22 of this Regulation;***

Or. en

Amendment 49

Proposal for a regulation

Article 8 – paragraph 2 – point c

Text proposed by the Commission

(c) publishing relevant information on the EU Talent Pool IT platform pursuant to ***Articles 3(3)***, Article 10(2), point (f), Article 12(5),(6) and (7), Article 14(2) ***and*** Article 15(2);

Amendment

(c) publishing relevant information on the EU Talent Pool IT platform pursuant to Article 10(2), point (f), Article 12(5), (6) and (7), Article 14(2), Article 15(2) ***and Article 17(1) as well as providing the online information session referred to in Article 11(9) for jobseekers registering on the platform;***

Or. en

Amendment 50

Proposal for a regulation

Article 8 – paragraph 2 – point d

Text proposed by the Commission

(d) preparing the meetings of the EU

Amendment

(d) preparing the meetings of the EU Talent Pool Steering Group ***and arranging***

Talent Pool Steering Group;

for exchanges with relevant authorities from third countries through cooperation with EU Delegations and diplomatic services in third countries;

Or. en

Amendment 51

Proposal for a regulation

Article 8 – paragraph 2 – point f

Text proposed by the Commission

(f) convening regular meetings of the Network of the EU Talent Pool National Contact Points referred to in Article 10 to exchange information and best practices on the technical implementation at national level of this Regulation.

Amendment

(f) convening regular meetings of the Network of the EU Talent Pool National Contact Points referred to in Article 10 to exchange information and best practices on the technical implementation at national level of this Regulation, *as well as synchronizing these meetings with the ongoing parallel work on recognition procedures outlined in the Commission Recommendation EU 2023/7700 on the recognition of qualifications of third-country nationals;*

Or. en

Amendment 52

Proposal for a regulation

Article 8 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) coordinating the information received from National Contact Points on the employers adherence to the ILO General Principles and Operational Guidelines on Fair Recruitment.

Or. en

Amendment 53

Proposal for a regulation

Article 9 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) exchanging views with stakeholders as outlined in Article 9(4a) of this Regulation;

Or. en

Amendment 54

Proposal for a regulation

Article 9 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) cooperating with authorities and stakeholders in third countries to support the implementation of Talent Partnerships and develop measures to prevent brain drain, as well as conducting labour market forecasts which could also serve as basis for future Talent Partnerships.

Or. en

Amendment 55

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. **Only participating Member States shall be members of the EU Talent Pool Steering Group. Member States not participating in the EU Talent Pool may participate in the meetings of the EU Talent Pool Steering Group as observers.**

2. The EU Talent Pool Steering Group shall consist of representatives from all Member States' employment and immigration authorities.

Amendment 56**Proposal for a regulation
Article 9 – paragraph 4***Text proposed by the Commission*

4. Representatives of the cross-industry social partners organisations at Union level shall have the right to participate *as observers* in the *meetings of the EU Talent Pool Steering Group*. *Representation of two participants from trade union and two participants from employer organisations shall be ensured by the EU Talent Pool Steering Group*. Those representatives shall sign a written statement declaring that they are not in a situation of conflict of interest.

Amendment

4. Representatives of the cross-industry social partners organisations at Union level, *from the employers and the trade unions respectively*, shall have the right to *appoint three representatives each to* participate in the *work of* the EU Talent Pool Steering Group. Those representatives shall sign a written statement declaring that they are not in a situation of conflict of interest.

Or. en

Amendment 57**Proposal for a regulation
Article 9 – paragraph 4 a (new)***Text proposed by the Commission**Amendment*

4a. Experts from Union agencies and international organisations may also be invited to attend the meetings of the Steering Group to present their views. Such stakeholders can include, but are not limited to, the European Labour Authority (ELA), the Centre for the Development of Vocational Training (CEDEFOP), the European Training Foundation (ETF), the International Labour Organisation (ILO), the International Organisation for Migration (IOM) as well as local and regional authorities from the Member States.

Amendment 58

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Each **participating** Member State shall designate an EU Talent Pool National Contact Point. **Participating** Member States shall ensure that relevant authorities from the field of employment and immigration are appointed as the EU Talent Pool National Contact Points.

Amendment

1. Each Member State shall designate an EU Talent Pool National Contact Point. Member States shall ensure that relevant authorities from the field of employment and immigration are appointed as the EU Talent Pool National Contact Points **in order to improve synergies between these authorities and avoid overburdening national administrations.**

Or. en

Amendment 59

Proposal for a regulation Article 10 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) consulting social partner organisations as well as local and regional authorities on labour market trends and developments;

Or. en

Amendment 60

Proposal for a regulation Article 10 – paragraph 2 – point f

Text proposed by the Commission

(f) providing information to the EU Talent Pool Secretariat on immigration and

Amendment

(f) providing information to the EU Talent Pool Secretariat on **recruitment,**

recognition procedures at national level, including with regard to the implementation of the principle of preference for Union citizens and relevant data for the monitoring of the EU Talent Pool as set out in Article 20;

immigration and recognition procedures at national level ***in accordance with Article 17(1)***, including with regard to the implementation of the principle of preference for Union citizens and relevant data for the monitoring of the EU Talent Pool as set out in Article 20;

Or. en

Amendment 61

Proposal for a regulation Article 10 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) monitoring employers' fulfilment and adherence to the ILO General Principles and Operational Guidelines on Fair Recruitment, and report national developments in this regard to the Secretariat;

Or. en

Amendment 62

Proposal for a regulation Article 10 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) providing information and support services to registered jobseekers from third countries and employers participating in the EU Talent Pool in accordance with Article 17.

(g) providing information and support services to registered jobseekers from third countries and employers participating in the EU Talent Pool, in accordance with Article 17(2) ***of this Regulation and in cooperation with social partners, local and regional authorities and, where applicable, organisations which offer post-recruitment assistance for third country nationals.***

Or. en

Amendment 63

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The suspension referred to in paragraph 2, point (e), shall be revoked without delay once the relevant national authorities have notified the EU Talent Pool National Contact Points, or the employer concerned has demonstrated, that the breach of the relevant law and practice pursuant to Article 13(3) has been remedied. In cases of breaches of the Directive 2009/52/EC and of the Directive (EU) .../... [Antitrafficking Directive 2022/0426(COD)], the employer shall be suspended from the EU Talent Pool indefinitely.

Or. en

Amendment 64

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. The EU Talent Pool National Contact Points from each ***participating*** Member State shall be regularly convened by the EU Talent Pool Secretariat in the Network of the EU Talent Pool National Contact Points to exchange information and best practices on the implementation of this Regulation.

3. The EU Talent Pool National Contact Points from each Member State shall be regularly convened by the EU Talent Pool Secretariat in the Network of the EU Talent Pool National Contact Points to exchange information and best practices on the implementation of this Regulation.

Or. en

Amendment 65

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

1. Jobseekers from third countries **may** create their profiles via the Europass profile builder in order to register on the EU Talent Pool IT platform.

Amendment

1. Jobseekers from third countries **shall be able to** create their profiles via the Europass profile builder in order to register on the EU Talent Pool IT platform.

Or. en

Amendment 66

Proposal for a regulation Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. As soon as a jobseeker and an employer have been matched in accordance with the provisions set out in Article 16 of this Regulation, the National Contact Point may, on request and for the purpose of verification of the accuracy of the above declaration by the jobseeker, be given information from the Schengen Information System.

Or. en

Amendment 67

Proposal for a regulation Article 11 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. In case of the jobseeker being subject to a decision referred to in paragraph 2 of this Article, the National Contact Point shall communicate this to the EU Talent Pool Secretariat, which

shall in turn remove the profile from the EU Talent Pool IT platform.

Or. en

Amendment 68

Proposal for a regulation

Article 11 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. By derogation from paragraph 2b), a jobseeker may, after the expiration of the judicial or administrative decision refusing their entry or stay in a Member State or an entry ban in accordance with the abovementioned Directive, lodge a new request to register a profile.

Or. en

Amendment 69

Proposal for a regulation

Article 11 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2d. Notwithstanding paragraphs 1 to 2c), persons convicted for offences laid down in Directive (EU) 2017/541 or any other offences constituting or involving a threat to the national security of a Member State shall not, in any case, be able to register as jobseekers in the EU Talent Pool.

Or. en

Amendment 70

Proposal for a regulation Article 11 – paragraph 4

Text proposed by the Commission

4. Jobseekers from third countries registered in the EU Talent Pool IT platform may search for job vacancies.

Amendment

4. Jobseekers from third countries registered in the EU Talent Pool IT platform may search for job vacancies. ***The automated matching tool of the platform shall ensure higher visibility for jobseekers who have previously selected for a job vacancy in the EU Talent Pool.***

Or. en

Amendment 71

Proposal for a regulation Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Upon their registration in the EU Talent Pool platform, jobseekers shall be offered the possibility to participate in an information session on their labour rights in the context of the platform, as well as in the context of recruitment by an employer of a Member State. This session shall include information on how to lodge a complaint in accordance with Article 18 and shall be organised by the EU Talent Pool Secretariat with the support of National Contact Points.

Or. en

Amendment 72

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

1. **Participating** Member States taking part in a Talent Partnership may decide to rely on the EU Talent Pool to facilitate the recruitment of jobseekers from that third country whose skills were developed or validated in the framework of that Talent Partnership and certified by an ‘EU Talent Partnership pass’.

Amendment

1. Member States taking part in a Talent Partnership may decide to rely on the EU Talent Pool to facilitate the recruitment of jobseekers from that third country whose skills were developed or validated in the framework of that Talent Partnership and certified by an ‘EU Talent Partnership pass’.

Or. en

Amendment 73

**Proposal for a regulation
Article 12 – paragraph 6**

Text proposed by the Commission

6. **Participating** Member States may decide, in the framework of the relevant Talent Partnership, to limit the visibility of profiles of registered jobseekers from third countries having obtained an ‘EU Talent Partnership pass’, for a maximum period of **one year**, to employers established in one or more Member States taking part in that same Talent Partnership. The EU Talent Pool Secretariat shall publish information on the application of this paragraph on the EU Talent Pool IT platform.

Amendment

6. Member States may decide, in the framework of the relevant Talent Partnership **to which they are participating**, to limit the visibility of profiles of registered jobseekers from third countries having obtained an ‘EU Talent Partnership pass’, for a maximum period of **six months**, to employers established in one or more Member States taking part in that same Talent Partnership. The EU Talent Pool Secretariat shall publish information on the application of this paragraph on the EU Talent Pool IT platform.

Or. en

Amendment 74

**Proposal for a regulation
Article 12 – paragraph 7**

Text proposed by the Commission

7. The list of third countries and **participating** Member States taking part in a Talent Partnership and the relevant occupations covered therein shall be published on the EU Talent Pool IT platform.

Amendment

7. The list of third countries and Member States taking part in a Talent Partnership and the relevant occupations covered therein shall be published on the EU Talent Pool IT platform.

Or. en

Amendment 75

Proposal for a regulation Article 13 – title

Text proposed by the Commission

Participation of employers in the EU Talent Pool

Amendment

Registration and participation of employers in the EU Talent Pool

Or. en

Amendment 76

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

1. **Employers interested in participating in the EU Talent Pool may request the EU Talent Pool National Contact Point in the Member State where they are established to transfer their job vacancies to the EU Talent Pool IT platform.**

Amendment

deleted

Or. en

Amendment 77

Proposal for a regulation Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Employers wishing to be visible and post their vacancies on the EU Talent Pool shall register a profile indicating their name, surname, contact details, sector of activity, extract from the national business register, a criminal record check or police information check of the natural person(s) in charge of the company and a brief description of the employer's operations. Employers shall also be required by the National Contact Point to participate in an information session regarding fair recruitment and international labour standards. Upon participation in the information session, the employers shall sign a pledge to adhere to the ILO General Principles and Operational Guidelines on Fair Recruitment.

Or. en

Amendment 78

Proposal for a regulation Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. In addition to the mandatory training referred to in paragraph 1 of this Article, employers shall have the possibility to participate in additional training on fair recruitment, which, upon completion, shall make their vacancies gain higher visibility on the EU Talent Pool platform through the automated matching system. Employers shall also gain higher visibility on the platform by offering jobseekers language training or

other relevant skills development during working hours.

Or. en

Amendment 79

Proposal for a regulation Article 13 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The National Contact Point shall screen all employers and the submitted information before admitting their profile to the platform.

Or. en

Amendment 80

Proposal for a regulation Article 13 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Employers registered in the EU Talent Pool may request the EU Talent Pool National Contact Point in the Member State where they are established to transfer their job vacancies to the EU Talent Pool IT platform. The vacancies shall at least include the place and the type of work, the duration of employment and working hours as well as information on remuneration. It shall also clearly state that no recruitment fees or related costs will be charged from the jobseeker.

Or. en

Amendment 81

Proposal for a regulation

Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

2. The EU Talent Pool National Contact Points shall transfer to the EU Talent Pool IT platform job vacancies that:

Amendment

2. The EU Talent Pool National Contact Points shall transfer ***as soon as possible and no later than five working days*** to the EU Talent Pool IT platform job vacancies that:

Or. en

Amendment 82

Proposal for a regulation

Article 13 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Employers participating in the EU Talent Pool shall comply with the relevant Union and national law and practice to ensure third-country nationals' protection against unfair recruitment and inadequate working conditions as well as non-discrimination. ***Participating*** Member States may introduce additional conditions for the employers' participation in the EU Talent Pool to ensure compliance with other relevant national practices, collective agreements ***and the principles and guidelines set out by the International Labour Organisation***, in compliance with Union law.

Amendment

Employers participating in the EU Talent Pool shall comply with the relevant Union and national law and practice ***as well as the ILO General Principles and Operational Guidelines on Fair Recruitment*** to ensure third-country nationals' ***right to freedom of association and collective bargaining***, protection against unfair recruitment and inadequate working conditions ***including prevention and elimination of forced labour and child labour*** as well as non-discrimination ***in respect of employment and occupation***. Member States may introduce additional conditions for the employers' participation in the EU Talent Pool to ensure compliance with other relevant national practices ***and*** collective agreements, in compliance with Union law.

Or. en

Amendment 83

Proposal for a regulation

Article 13 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Employers participating in the EU Talent Pool shall not charge fees to registered jobseekers from third countries for the purpose of the recruitment.

Amendment

Employers participating in the EU Talent Pool shall not **any** charge fees **or related costs** to registered jobseekers from third countries for the purpose of the recruitment, **neither before nor after the recruitment process is completed.**

Or. en

Amendment 84

Proposal for a regulation

Article 13 – paragraph 5

Text proposed by the Commission

5. Employers participating in the EU Talent Pool shall indicate, without undue delay, **in the EU Talent Pool IT platform** that they have successfully completed the recruitment of registered jobseekers from third countries for the given job vacancy. **The profiles of those registered jobseekers and the fulfilled job vacancies shall automatically cease to be visible in the EU Talent Pool IT platform.**

Amendment

5. Employers participating in the EU Talent Pool shall indicate **to the National Contact Point**, without undue delay, that they have successfully completed the recruitment of registered jobseekers from third countries for the given job vacancy. **Before the start of the employment contract, the employer shall provide the jobseeker with all the necessary information in a clear and comprehensive way in accordance with in accordance with Directive 2019/1152/EU.** The fulfilled job vacancies shall automatically cease to be visible in the EU Talent Pool IT platform. **On the profile of the registered jobseeker it shall be indicated that the person intends to commence employment.**

Or. en

Amendment 85

Proposal for a regulation Article 13 – paragraph 6

Text proposed by the Commission

6. The national authorities responsible for the relevant law and practice in the ***participating*** Member States shall immediately inform the EU Talent Pool National Contact Points on any breaches of the provisions of the relevant law and practice set out in paragraph 3 for the purposes of Article 10(2), point (e).

Amendment

6. The national authorities responsible for the relevant law and practice in the Member States shall immediately inform the EU Talent Pool National Contact Points on any breaches of the provisions of the relevant law and practice set out in paragraph 3 for the purposes of Article 10(2), point (e).

Or. en

Amendment 86

Proposal for a regulation Article 16 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The automated matching tool shall have inbuilt safeguards against discrimination on the grounds listed in Article 21 of the EU Charter of Fundamental Rights.

Or. en

Amendment 87

Proposal for a regulation Article 17 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Participating Member States shall make information concerning the EU Talent Pool and its functioning easily accessible.

deleted

Or. en

Amendment 88

Proposal for a regulation

Article 17 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

The EU Talent Pool Secretariat, with the support of the EU Talent Pool National Contact Points, shall make **available, on the EU Talent Pool IT platform**, the following information:

Amendment

The EU Talent Pool Secretariat, with the support of the EU Talent Pool National Contact Points, shall make the following information **for each Member State publicly available free of charge in a clear, comprehensive, user-friendly and easily accessible way, including for persons with disabilities in accordance with Directive 2016/2102 and Annex I to Directive (EU) 2019/882**:

Or. en

Amendment 89

Proposal for a regulation

Article 17 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

(a) **information concerning** recruitment and **immigration** procedures, recognition of qualifications and validation of skills, **rights of third country nationals, including with regard to available redress mechanisms as well as information on living and working conditions in the participating Member States**;

Amendment

(a) recruitment and **employment** procedures **including** recognition of qualifications and validation of skills;

Or. en

Amendment 90

Proposal for a regulation

Article 17 – paragraph 1 – subparagraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) immigration procedures including procedures to obtain visas and residence permits for work purposes;

Or. en

Amendment 91

Proposal for a regulation

Article 17 – paragraph 1 – subparagraph 2 – point a b (new)

Text proposed by the Commission

Amendment

(ab) rights of third country nationals, including with regard to available access to justice and redress mechanisms and contact details of organisations which offer post-recruitment assistance, where applicable;

Or. en

Amendment 92

Proposal for a regulation

Article 17 – paragraph 1 – subparagraph 2 – point a c (new)

Text proposed by the Commission

Amendment

(ac) information on living and working conditions in the Member States;

Or. en

Amendment 93

Proposal for a regulation

Article 17 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

(b) clear explanation to jobseekers from third countries that if they are subject to a judicial or administrative decision refusing the entry or stay in a Member State or an entry ban in accordance with Directive 2008/115/EC of the European Parliament and of the Council, their entry into and stay on the territory of all the Member States shall be prohibited.

Amendment

(b) ***conditions and procedures for participation in the EU Talent Pool, including*** clear explanation to jobseekers from third countries that if they are subject to a judicial or administrative decision refusing the entry or stay in a Member State or an entry ban in accordance with Directive 2008/115/EC of the European Parliament and of the Council, their entry into and stay on the territory of all the Member States shall be prohibited, ***as well as of the information on the provisions set out in Article 11(2).***

Or. en

Amendment 94

Proposal for a regulation

Article 17 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The National Contact Points are responsible for updating the information referred to in the first paragraph when necessary.

Or. en

Amendment 95

Proposal for a regulation

Article 17 – paragraph 1 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

The information referred to in paragraph 1, point (a), shall be based on the ILO General Principles and Operational Guidelines on Fair Recruitment.

Amendment 96

Proposal for a regulation

Article 17 – paragraph 2 – introductory part

Text proposed by the Commission

2. *Upon request from registered jobseekers from third countries and employers participating in the EU Talent Pool, the EU Talent Pool National Contact Points shall provide additional support, and post-selection assistance to registered jobseekers from third countries and employers participating in the EU Talent Pool, in particular with regard to:*

Amendment

2. Jobseekers *who have been selected for a job vacancy* in the EU Talent Pool *shall receive the following additional information from the relevant* National Contact *Point:*

Or. en

Amendment 97

Proposal for a regulation

Article 17 – paragraph 2 – point a

Text proposed by the Commission

(a) *specific* information *on national immigration* procedures *to obtain* visas and residence permits for work purposes *following the selection process;*

Amendment

(a) *complementary support to the* information *referred to in paragraph 1, point (a), regarding the* procedures *for obtaining* visas and residence *permits* for work purposes *in the Member State in question;*

Or. en

Amendment 98

Proposal for a regulation

Article 17 – paragraph 2 – point e

Text proposed by the Commission

(e) where available, the contact details of organisations which offer post-recruitment assistance for third country nationals.

Amendment

(e) where available, the contact details of organisations which offer post-recruitment assistance for third country nationals, *such as bridging programs*.

Or. en

Amendment 99

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

For the purpose of points (c) and (d), the information can be provided in cooperation with the social partners and, where applicable, the organisations which offer post-recruitment assistance for third country nationals.

Or. en

Amendment 100

Proposal for a regulation

Article 17 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The EU Talent Pool Secretariat in cooperation with the Steering Group, shall also conduct targeted information efforts and awareness raising campaigns towards employers, in particular SMEs, to enhance the public understanding for, and by that the use of, the Talent Pool. These awareness-raising campaigns shall include information on fair recruitment standards in accordance with ILO General Principles and Operational Guidelines on Fair Recruitment.

Amendment 101

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. **Participating** Member States shall ensure that there are effective mechanisms through which registered jobseekers from third countries may lodge complaints in case of breach by the employers participating in the EU Talent Pool of the obligations and conditions laid down in Article 13(3).

Amendment

1. Member States shall ensure that there are effective **and affordable grievance mechanisms or other complaints procedures in accordance with national law and practice** through which registered jobseekers from third countries may lodge complaints in case of breach by the employers participating in the EU Talent Pool of the obligations and conditions laid down in Article 13(3) **or other relevant provisions with regards to the application of this Regulation. The grievance mechanism shall be gender-responsive and ensure that jobseekers lodging a complaint are protected from any retaliation.**

Amendment 102

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

2. **Participating Member States** shall make information concerning available redress mechanisms easily accessible.

Amendment

2. **The EU National Contact Points** shall make information concerning available redress mechanisms easily accessible **through the EU Talent Pool, including for persons with disabilities in accordance with Directive 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies. This information shall include contact details to responsible authorities**

and information on the relevant workers' organisations in accordance with national law, as well as contact details to organisations representing third country nationals.

Or. en

Amendment 103

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

1. *Participating Member States may decide to put in place accelerated immigration procedures* to allow for a faster recruitment of registered jobseekers from third countries *who have been selected for a job vacancy in the EU Talent Pool.*

Amendment

1. To allow for a faster recruitment of registered jobseekers from third countries, *Member States shall put in place accelerated immigration procedures for the shortage occupations listed in their national list as well as for registered jobseekers from third countries having obtained an 'EU Talent Partnership pass' in a partnership in which the Member State has participated. Information on these accelerated procedures shall be duly communicated and made available both to employers and to jobseekers in an early stage of the recruitment process.*

Or. en

Amendment 104

Proposal for a regulation Article 19 – paragraph 2 – introductory part

Text proposed by the Commission

2. The procedure referred to paragraph 1 *may* cover:

Amendment

2. The procedure referred to paragraph 1 *shall* cover:

Or. en

Amendment 105

Proposal for a regulation

Article 19 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In addition to the procedures referred to in paragraphs (1) and (2), Member States may to put in place accelerated immigration procedures for individual jobseekers previously admitted to a job through the EU Talent Pool.

Or. en

Amendment 106

Proposal for a regulation

Article 20 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The performance of the EU Talent Pool shall be regularly monitored by the EU Talent Pool Secretariat in accordance with Article 8(2), point (e). In particular, data shall be gathered on:

1. The performance of the EU Talent Pool shall be regularly monitored by the EU Talent Pool Secretariat in accordance with Article 8(2), point (e). In particular, ***gender-disaggregated*** data shall be gathered on:

Or. en

Amendment 107

Proposal for a regulation

Article 20 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) The number of declined applications to register in the EU Talent Pool IT Platform, as set out in Article 11.

Or. en

Amendment 108

Proposal for a regulation Article 20 – paragraph 3

Text proposed by the Commission

3. The EU Talent Pool Secretariat shall gather the data referred to in paragraph 1 with the support of the EU Talent Pool National Contact Points and the EU Talent Pool Steering Group.

Amendment

3. The EU Talent Pool Secretariat shall gather the data referred to in paragraph 1 with the support of the EU Talent Pool National Contact Points and the EU Talent Pool Steering Group ***and in cooperation with social partners and civil society organisations particularly those working with third country nationals and persons with disabilities.***

Or. en

Amendment 109

Proposal for a regulation Article 24 – paragraph 2

Text proposed by the Commission

2. This Regulation shall be binding in its entirety and directly applicable in the ***participating*** Member States in accordance with the Treaties.

Amendment

2. This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Or. en

EXPLANATORY STATEMENT

The European Union and its Member States face labour shortages in a wide range of sectors, from construction and healthcare to engineering and information and communications technology. The labour shortage is likely to exacerbate in the coming years due to demographic trends, while Europe is competing globally for talent with other continents and individual countries. The mismatch of skills on the European labour market is also causing economic losses of up to 2% of annual productivity. Simultaneously, more legal pathways are needed to prevent irregular migration. As migration is a natural phenomenon that will continue to exist inter alia due to climate change and international developments, a common European approach to legal labour migration is crucial.

It is thus evident that Europe, in order to uphold its competitiveness and foster economic growth, must remain open to the world. Europe needs to attract all types of skills levels that are directly and indirectly needed for the green and digital transition, for the continued quality of our welfare systems and for the prosperity of our continent. At the same time, as Europe does not exist in a vacuum, it is also clear that strong and sustainable partnerships with third countries are essential. Talent Partnerships can help contributing to skills development and good working conditions in third countries, while promoting circular migration as a means to prevent brain drain.

However, for the actual matching between employers and third country nationals to take place in a more efficient way, the EU Talent Pool is established. It is a welcomed proposal and has been requested by the European Parliament in several legislative reports. The EU Talent Pool will be the first EU-wide platform to facilitate matching between third country nationals and employers established in the Union. It will draw inspiration from EURES, the existing platform where EU citizens and employers can match, but will also go beyond. It will complement existing measures and initiatives and thus not interfere with the competence of individual Member States, for example regarding the right to determine volumes of admission of third country nationals coming to work.

In contrast to the proposal of the European Commission, the draft report foresees that all Member States implement the EU Talent Pool. Since the labour shortage is a Union-wide problem and the EU Talent Pool aims to be a common platform to unite third country nationals and European employers, it should exist in all Member States to improve predictability, transparency and legal certainty for everyone using it. It will still remain voluntary for employers and third country nationals to go through to the EU Talent Pool when seeking opportunities, but a common European implementation will facilitate access to the platform. It will also contribute to solving one of the main challenges of labour migration policies in Europe today: fragmentation.

The draft report further builds on the proposal of the European Commission by strengthening the two major building blocks of the EU Talent Pool. Firstly, it strengthens protection against discrimination and unfair recruitment of third country nationals by aligning the EU Talent Pool more closely with the General Principles and Operational Guidelines on Fair Recruitment developed by the International Labour Organisation (ILO). By doing so, it also aims to fill a gap in the European legislative framework where thus far no common rules on recruitment procedures exist. Secondly, it enhances the EU Talent Pool's connection

with labour market development and thus the actual needs of European employers, by involving social partners and other stakeholders more clearly in the governance of the EU Talent Pool.

For both these building blocks, information is key. Therefore, the information and support service provisions have been clarified and strengthened. The draft report distinguishes between which information should be publicly available to all (prospective) third country nationals and employers, and which information should be granted to a third country national after having matched with an employer. Besides information, accessibility is crucial to ensure equal access to the platform for all users. The draft report introduces accessibility requirements for the whole EU Talent Pool, including the information on protection of data as well as the information provided on the actual platform.

The draft report also introduces proportional conditions for participation on the EU Talent Pool. Employers should provide information which can be verified by National Contact Points before they are allowed to post vacancies on the platform. This information includes for example a criminal record check of the natural person(s) in charge of the company, to prevent abusive employers from reappearing on the platform. The draft report introduces provisions whereby an employer can be temporarily suspended in the case of purely administrative misconduct, but also indefinitely suspended in case of breaches against applicable legislation on antitrafficking and sanctions against employers of illegally staying third-country nationals.

Simultaneously, the draft report maintains certain proportionality provisions for third country nationals, whereby a person subject to a judicial or administrative decision refusing the entry or stay in a Member State or an entry ban to the Union will not be allowed to register given that they will not be permitted to enter and stay in the Union for the time being. This provision is however balanced by allowing third country nationals to lodge a new request for registering after the expiration of their entry ban, while safeguarding that persons convicted for offences constituting or involving threat to the national security of a Member State never are able to register on the EU Talent Pool.

Lastly, as the EU Talent Pool will build on automated matching systems enabled by AI to find the most suitable skills for a certain vacancy, it is important to ensure safeguards against biases on discriminatory grounds.

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that she has received input from the following entities or persons in the preparation of the draft report:

Entity and/or person
Adecco Group
BusinessEurope
Confederation of Swedish Enterprises
European Commission
European Network of Migrant Women
European Trade Union Confederation
HOTREC
International Labour Organisation
International Organisation of Migration
Platform for International Cooperation on Undocumented Migrants (PICUM)
Swedish Trade Union Confederation

The list above is drawn up under the exclusive responsibility of the rapporteur.